

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael S. Zaharkin	Examiner:	William Bashore
Serial No.:	10/023,440	Group Art Unit:	2176
Filed:	December 14, 2001	Docket:	962.007US1
Title:	SYSTEM FOR CONVERTING DATA TO A MARKUP LANGUAGE		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The applicant requests review of the final rejection in the above-identified application.
No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated below.

The Wanderski Reference and The Claimed Invention

U.S. Patent No. 6,519,617 to Wanderski et al. (Wanderski) relates to the transformation of an XML (eXtensible Markup Language) document into a new XML dialect so that desired document transformations are implemented in the new XML dialect. (Col. 4, lines 26-30). Wanderski further relates to the dynamic generation of a DTD (document type definition) to describe the newly created XML dialect so that the newly created XML dialect document can be processed by an XML parser in the manner dictated by the particular context of the user. (Col. 4, lines 18-24, 35-39).

In stark contrast, various embodiments of the presently claimed invention handle documents with different document type definitions (DTDs) by generating multiple paths in a mapping file, scoring the multiple paths, and selecting a path based on the scores. (p. 3, line 1-11; claim 1). The presently claimed invention further addresses a shortcoming of the prior art wherein markup converters follow an all-or-nothing approach to markup, which prevents these converters from outputting a document with both marked and unmarked portions. (p. 2, lines 22-24; claim 34).

Rejection of Claims 1-10 and 13-15 under 35 U.S.C. § 103(a)

Claims 1-10 and 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over

Wanderski.

Claim 1 recites a computer-implemented method that includes receiving a document and an associated document type definition. A map file is generated from the document. The map file includes one or more nodes, and each node represents a possible path from one node in the mapping file to another node in the mapping file. One or more candidate paths are generated. Each candidate path represents a possible path from one node in the mapping file to another node in the mapping file. A score is determined for each of the one or more candidate paths, and one of the candidate paths are selected based on the one or more scores. The selected candidate path is converted into a language described by the document type definition.

The Final Office Action admits that Wanderski does not teach the selection of a candidate path based upon the scoring of the candidate paths. The Final Office Action attempts to explain away this shortcoming by arguing that Wanderski identifies redundant nodes of a DOM tree, and keeps a count of the number of times that a value occurs. The Final Office Action then goes on to state that it would have been obvious to keep a tally (score) of the nodes so as to provide a benefit of streamlining the DOM tree for a more compact document.

The Applicant respectfully submits that the cited portions of Wanderski do not disclose at least “determining a score for . . . one or more candidate paths” and “selecting one of the candidate paths based on the one or more scores.” The portions of Wanderski cited by the Final Office Action relate only to the identification of multiple occurrences of a tag in a DOM tree, and the compacting of that tag information into a single declaration. (Col. 13, lines 44-53). The other portion of Wanderski cited by the Final Office Action (Col. 14, lines 4-11) relates to an attribute list, and more specifically, to the determination of which attribute value occurs most often in that attribute list, and the subsequent use of that value as a default value.

There is no teaching or suggestion in the cited art for determining a score of candidate paths and selecting a candidate path based on that score. The compacting of tag information into a single declaration and the determination of a default attribute value are simply not the same as determining a score of candidate paths and selecting a candidate path based on that score. Firstly, the compacting of tag information is a simple activity of addressing data duplication. Looking for duplication in a set of nodes is much different than scoring one or more candidate paths through a set of nodes. Secondly, the jump from counting attribute values to scoring

candidate paths is not forecast, projected, suggested, or in any way hinted at in Wanderski. Indeed, counting attribute values has nothing to do with scoring candidate paths and selecting candidate paths based on that score.

Consequently, Applicant respectfully submits that the rejection of claim 1 is in error, and further respectfully requests the withdrawal of the rejection of claim 1. Since claims 2-8 depend on claim 1, they include at least the limitations of "determining a score of . . . one or more candidate paths" and "selecting one of the candidate paths based on the one or more scores." For at least this reason, the rejection of claims 2-8 should be withdrawn.

Rejection of claims 9, 13, and 14 under 35 U.S.C. § 103(a)

The Final Office Action rejected independent claims 9, 13, and 14 using the same rationale as used in the rejection of claim 1. For at least the reason that Wanderski does not disclose, teach, or suggest scoring candidate paths and selecting a candidate path based on that scoring, claims 9, 13, 14, and all of the claims dependent on these independent claims, are patentable over Wanderski.

Rejection of Claim 33 under 35 U.S.C. § 103(a)

Claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wanderski in view of Yamakawa et al. (U.S. Patent No. 5,907,851.)

In the rejection of claim 33, the Final Office Action specifically conceded that Wanderski omits a teaching of "providing a set of two or more DTDs, and selecting one for conversion," but asserted that Yamakawa "teaches document conversion utilizing preparation of a plurality of . . . DTDs for switching and development of one or more DTDs." (Yamakawa, column 22, lines 22-32, Figure 67). Further, the Final Office Action contended that it would have been obvious to apply Yamakawa to Wanderski to provide "the benefit of predetermined DTD selection for eventual adherence to various established standards."

However, the proposed motivation is not applicable to Wanderski. Wanderski reports "a method, system, and computer-readable code for . . . creating an Extensible Markup Language, or XML dialect . . . and then dynamically generating a document type definition for this XML dialect." (Column 1, lines 16-23). As such, it appears that one of skill would view the provision and selection of a DTD from multiple DTDs to be contrary to the teachings of Wanderski. Wanderski reports dynamic generation of customized DTDs. Having a customized or tailored

DTD would seem to be preferable to selecting one from a set of ready made DTDs.

Consequently, Wanderski and Yamakawa are not properly combinable, and the Applicant respectfully requests the reversal of the rejection of claim 33.

Rejection of Claim 34 under 35 U.S.C. 102(e)

Claim 34 recites a computer-implemented method of receiving a first document for disambiguation, wherein this first document includes a first and second portion. Each portion of this document is ambiguated. The first portion of the document is disambiguated, but the second portion of the document is not disambiguated. A second document is output; the second document includes the disambiguated portion of the first document and the second portion of the first document.

The Final Office Action cites column 4, lines 25-42 and Col. 11, lines 60-67 of Wanderski in its rejection of claim 34 under 102(e). However, column 4, lines 25-42 concern only the transformation of an XML document into a new XML dialect, and column 11, lines 60-67 concern only a DTD that corresponds to modified tags in a Document Object Model (DOM) tree. Wanderski fails to disclose that only a portion of the XML document is transformed into the new XML dialect, or that the XML dialect document includes a disambiguated first portion and a second portion of the document that is not disambiguated. That is, Wanderski does not disclose at least partial disambiguation as recited in claim 34.

The Advisory Action maintains the rejection of claim 34 under 35 U.S.C. § 102(e). The Advisory Action contends that an object of the Wanderski reference is to modify an existing XML document into another XML document (a variation or dialect). The Advisory Action then goes on to argue that “[i]t is within reason” that an XML document can contain at least two portions, and that “it is also within reason” that a transformation may not require modification of all portions of a document.

The Applicant respectfully responds that the Advisory Action’s “within reason” standard is not the proper standard to be used in the rejection of a claim under 35 U.S.C. § 102. Rather, the standard is that a reference must disclose each and every element of a claimed invention. Since the Final Office Action was unable to point out in Wanderski a disclosure or teaching of a disambiguation of a first portion of a document but not the second portion of a document, the

Advisory Action retreats to its "within reason" standard.

The Applicant respectfully submits that the "within reason" standard is improper, and that the Final Office Action and the Advisory Action have failed to show that Wanderski discloses partial disambiguation. Indeed, as pointed out above, a shortcoming of prior art markup converters is that they follow an all-or-nothing approach to markup, thus preventing these converters from outputting a document with both marked and unmarked portions. Wanderski suffers from this same deficiency. Consequently, the rejection of claim 34 under 35 U.S.C. § 102(e) is improper, and the Applicant respectfully requests the reversal of the rejection.

CONCLUSION

The applicant respectfully submits that all of the pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is invited to telephone the below-signed attorney at (612) 349-9593 to discuss any questions which may remain with respect to the present application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MICHAEL S. ZAHARKIN

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9593

Date

5 April 2007

By

Eduardo E. Drake
Reg. No. 40,594

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 3450, Alexandria, VA 22313-1450 on this 5th day of April 2007.

CANDIS BUENDING
Name

Signature